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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,946	11/03/2003	William R. Haas	200209812-1	5967

22879 7590 01/29/2007
HEWLETT PACKARD COMPANY
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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

LIU, LIN

ART UNIT	PAPER NUMBER
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2609

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/700,946

Applicant(s)

HAAS ET AL.

Examiner

Lin Liu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/03/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5 are rejected under 35 U.S.C 102 (e) as being anticipated by **Shiga**
(Publication no.: US 2004/0027467)

Regarding **claim 1**, Shiga teaches a digital camera comprising: an image sensor (fig. 2, imaging means 13, and page 2, paragraph 22, CCD for capturing still or motion picture images in digital video camera 1) for capturing digital images; a shutter button (fig. 1 shutter button 12a); and a processor (fig. 2 control means 11, and page 2, paragraph 22, CPU) coupled to the shutter button and image sensor (fig. 2 and page 2, paragraph 22, noted that CPU is for centrally controlling respective sections of the digital video camera 1) that implements a mode detection algorithm (page 2, paragraph 34, noted that the switching of imaging mode between still and motion picture images is detected based on the duration of time for the shutter button is pressed down) that automatically switches (page 2, paragraph 34, noted that upon detection of the threshold time for the switchover, imaging mode switches between still and video mode) between still image and video mode.

Regarding **claim 2**, Shiga teaches the digital camera recited in claim 1 wherein the mode detection algorithm is operative to: record a still image upon detection of pressing of the shutter button (page 2, paragraph 34, noted that the digital camera obtains a still image when the shutter button 12a is pressed down for less than 2 seconds); after the still image is recorded, automatically switching to video mode to record video images (page 2, paragraph 34, noted that the imaging mode automatically switches to video mode when the shutter button 12a is pressed down for 2 seconds or more); if the shutter button remains depressed for a predetermined time period, optionally deleting the still image (page 3, paragraph 38, noted that the storage means 14 determines whether to store the still or motion images); and if the shutter button is released before the end of the predetermined time period optionally deleting the recorded video images (page 3, paragraph 38, noted that the storage means 14 determines whether to store the still or motion images).

Regarding **claim 3**, Shiga teaches the digital camera recited in claim 2 wherein the predetermined time period is on the order of one second (page 3, paragraph 35, noted that the shutter button 12a is released within a time of less than 2 seconds, which means it also can be 1 second).

Regarding **claim 4**, Shiga teaches a method comprising the steps of: providing a digital camera that comprises a mode detection algorithm (page 2, paragraph 34, noted that the switching of imaging mode between still and motion picture images is detected based on the duration of time for the shutter button is pressed down) that automatically switches (page 2, paragraph 34, noted that upon detection of the threshold time for the

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switchover, imaging mode switches between still and video mode) between still image and video image mode; pressing a shutter button on the digital camera (page 2, paragraph 34, noted that the digital camera switches imaging between still and motion picture images based on the duration of time the shutter button 12a is pressed down); recording a still image upon detection of pressing of the shutter button (page 2, paragraph 34, noted that the digital camera obtains a still image when the shutter button 12a is pressed down for less than 2 seconds); after the still image is recorded, automatically switching to video mode to record video images (page 2, paragraph 34, noted that the imaging mode automatically switches to video mode when the shutter button 12a is pressed down for 2 seconds or more); if the shutter button remains depressed for a predetermined time period, optionally deleting the still image (page 3, paragraph 38, noted that the storage means 14 determines whether to store the still or motion images); and if the shutter button is released before the end of the predetermined time period optionally deleting the recorded video images (page 3, paragraph 38, noted that the storage means 14 determines whether to store the still or motion images).

Regarding **claim 5**, Shiga teaches the method recited in claim 4 wherein the predetermined time period is on the order of one second (page 3, paragraph 35, noted that the shutter button 12a is released within a time of less than 2 seconds, which means it also can be 1 second).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bateman discloses a flexible memory management for video and still image data in a digital camera in publication no.: US 2004/0075750. Bateman discloses a multiple mode capture button for a digital camera in publication no.: US 2004/0061788. Loui discloses a method for simultaneously recording motion and still images in a digital camera in publicaiton no.: US 2006/0268117.

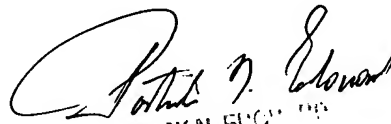
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Liu whose telephone number is (571) 270-1447. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

L.Liu
01/19/2007



PATRICK N. FLYNN
SUPERVISOR